



**Ohio Department of Job and Family Services
Request for Letterhead Bids (RLB) #: R-89-21-8010
Ohio Anti-Poverty Task Force Report Writing Services**

I. Purpose

The Ohio Department of Job and Family Services (ODJFS), on behalf of The Governor's Office of Faith-Based and Community Initiatives (GOFBCI) is soliciting bids to identify one vendor who will perform information gathering and analysis, and draft a final report regarding recommendations from the Ohio Anti-Poverty Task Force. This Request for Letterhead Bids (RLB) document is released by ODJFS, and the subsequent contract expected to result from this RLB process will be a contract between the vendor and ODJFS, which acts as fiscal agent for GOFBCI.

GOFBCI will designate a staff member as the ODJFS Contract Manager to provide on-going supervision of the contractor selected through this RLB. The contract period for this project is expected to run from approximately mid-January, 2009 to June 30, 2009. No extensions or renewals are planned for the contract expected to result from this RLB.

ODJFS will only consider proposals from vendors that demonstrate their capability of providing services as described in this RLB. For the purpose of this RLB, the term "vendor" shall be defined as an organization interested in this opportunity. The term "contractor" is used in reference to the successful vendor selected through this RLB.

ODJFS is under no obligation to enter into any contract with any vendor as a result of this solicitation, if, in the opinion of ODJFS, none of the proposals are responsive to the objectives and needs of the Department. ODJFS reserves the right to not select any vendor should ODJFS decide not to proceed. Changes in this RLB of a material nature will be provided on the agency website. All vendors are responsible for obtaining any such changes without further notice by ODJFS.

II. Time and Date of Submission

Organizations, companies, firms, or individuals who are interested in submitting letterhead bids must make their submission not later than **3:00 p.m. Eastern (local) Time on *Tuesday, December 2, 2008.*** Faxes will not be accepted. Bids must be addressed to:

**Office of Contracts & Acquisitions
Ohio Department of Job and Family Services
30 East Broad Street, 31st Floor
Columbus, Ohio 43215-3414
ATTN: RFP/RLB Unit**

For hand delivery on the due date, vendors are to allow sufficient time for downtown parking considerations, as well as for security checks at both the lobby of the Rhodes State Office Tower (address as stated above) and again on the 31st Floor. All bids received on the due date will be accepted by the Office of Contracts and Acquisitions on the 31st Floor of the Rhodes Tower. **ODJFS is not responsible for any bids delivered to any address other than the address provided above.**

All submissions must be received, complete, by mail or hand delivery by the above date and time. Materials received after the submission deadline date and time will not be added to previous submissions, nor be considered. No confirmations of mailed bids received can be provided.

Submission of a bid indicates acceptance by the vendor of the conditions contained in this RLB, unless clearly and specifically noted in the bid submitted and confirmed in the contract between ODJFS and the vendor selected.

III. Anticipated Procurement and Project Timetable

October 31, 2008	ODJFS Releases RLB to Potential Vendors on the DAS and ODJFS Websites; Q & A Period Opens - Vendors may submit inquiries for RLB clarification
November 17, 2008	Vendor Q & A Period closes, 8 a.m. for inquiries for RLB clarification - No further inquiries for RLB clarification will be accepted
November 21, 2008	ODJFS posts Final Vendor Question & Answer Document on ODJFS website
Tuesday, December 2, 2008	Deadline for Vendors to Submit Proposals to ODJFS (3:00 P.M., local time)
December 19, 2008	ODJFS Issues Vendor Selection Notification Letter (estimated)
June 8, 2009	All project work must be completed.
June 30, 2009	<i>Contract terminates no later than the end of the State Fiscal Year, or 6-30-09.</i>

ODJFS reserves the right to revise this schedule in the best interest of the State of Ohio and/or to comply with the State of Ohio procurement procedures and regulations and after providing reasonable notice.

* According to requirements of Ohio Revised Code (ORC) 126.07, ODJFS contracts are not valid and enforceable until the Office of Budget and Management (OBM) certifies the availability of appropriate funding, as indicated by the approval of the Purchase Order (P.O.). The selected vendor may neither perform work nor submit an invoice for payment for work performed for this project for any time period prior to the P.O. approval date. The ODJFS Contract Manager will notify the selected vendor when the requirements of ORC Section 126.07 have been met.

IV. Internet Question & Answer Period; RLB Clarification Opportunity

Potential vendors may ask clarifying questions regarding this RLB via the Internet during the Question and Answer (Q & A) Period as outlined in Section III. Anticipated Procurement Timetable. To ask a question, potential vendors must use the following Internet process:

- * Access the ODJFS Web Page at <http://jfs.ohio.gov>;
- * Select “About ODJFS” on the front page;
- * Select “Doing Business with ODJFS” listed on the left column of the page;
- * Select “Requests for Proposals, Letterhead Solicitations, and Other Invitations;”
- * Select RLB Number *R-89-21-8010*;
- * Select the R89218010@odjfs.state.oh.us” link; and
- * Follow the instructions and guidelines as follows to send an e-mail question.

Questions to this RLB must reference the relevant part of this RLB, the heading for the provision under question, and the number and/or section of the RLB where the provision can be found. The potential vendor must also include his or her name, the company name, and business phone number. ODJFS may, at its option, disregard any questions which do not appropriately reference an RLB provision or location, or which do not include an identification for the originator of the question. ODJFS will not respond to any questions submitted after **10:00 a.m.** on the date that the Q & A period closes.

ODJFS responses to all questions asked via the Internet will be posted on the Internet web site dedicated to this RLB, for reference by all potential vendors. Potential vendors will not receive personalized or individual e-mail responses. Clarifying questions asked and ODJFS responses to them comprise the “ODJFS Question and Answer Document” for this RLB; when possible, ODJFS may post an interim Q & A Document as well as the final version. Vendor proposals in response to this RLB are to take into account any information communicated by ODJFS in the Final Q & A Document for the RLB. **It is the responsibility of all potential vendors to check this site on a regular basis for responses to questions, as well as for any amendments or other pertinent information regarding any RLB.**

Accessibility to the ODJFS Q & A Document will be clearly identified on the web site dedicated to this RLB, once that document is made available.

IMPORTANT: Requests from potential vendors for copies of previous RLBs, past vendor proposals, score sheets or contracts for this or similar past projects, are Public Records Requests (PRRs), and are not clarification questions regarding the present RLB. PRRs, submitted in accordance with directions provided in Section XVI. Communication Prohibitions, will be honored. The posted time frames for ODJFS responses to Internet or faxed questions for RLB clarification do not apply to PRRs.

Requirements under a current project may or may not be required by ODJFS under any future contract, and so may not be useful information for vendors who choose to respond to the RLB; therefore, vendors are to base their RLB responses, and the details and costs of their proposed projects, on the requirements and performance expectations established in the RLB and, if applicable, in the Q&A document, NOT on details of a current or past related contract. If vendors ask questions about existing or past contracts using the Internet Q & A process, ODJFS will use its discretion in deciding whether to provide answers.

ODJFS will only answer those questions submitted within the established time period for the Vendor Q & A process (see Section III., Anticipated Procurement Timetable, above), and which pertain to issues of RLB clarity, and which are not requests for public records. ODJFS is under no obligation to acknowledge questions submitted through the Q & A process if those questions are not in accordance with these instructions.

V. Qualifications

In order to be considered for this RFP, ODJFS requires that interested vendors must meet all the following minimum qualifications and must describe the extent to which the vendor possesses the organizational characteristics and staff experience and capabilities as described in this Section:

In order to be considered for the project described in this RLB, ODJFS requires that interested vendors **must** meet, at minimum, **all** the following Mandatory Vendor Qualifications:

A. Mandatory Vendor Qualifications

1. The vendor's proposal must be received by the deadline as specified in this RLB.
2. The vendor's proposal must include all required affirmative statements and certifications, signed by the vendor's responsible representative, as described in Attachment A. to the RFP.
3. Included in those certifications, the vendor must indicate that it is not excluded from entering into a contract with ODJFS due to restrictions related to the federal debarment list, unfair labor findings, or R.C. § 9.24.
4. ODJFS' review of the Auditor of State website must verify that the vendor is not excluded from contracting with ODJFS by R.C. § 9.24 for an unresolved finding for recovery.

Vendors which do not meet all the above requirements will be disqualified from further consideration for award.

B. Organizational Capabilities and Key Staff Experience

In order to be considered for the project expected to result from this RLB, ODJFS requires that interested vendors provide the following information. The vendor must demonstrate its organizational capacity and demonstrate its expertise by assigning staff to key leadership roles for this project. ODJFS requires profiles and resumes or curriculum vitae as demonstration of the qualifications for purposed key staff. Proposals **must** address each of the following five items:

1. Vendors must demonstrate a minimum of five years of experience in information gathering and analysis, formulation of policy recommendations, and report writing regarding economic conditions (preferably in Ohio) and relevant poverty-related information and trends.
2. Identify, by position and by name, those staff they consider key to the project's success (at minimum, key staff identified must include a project manager);
3. Include resume(s) of key staff expected to work on the project. Proposals failing to demonstrate appropriate education and experience may, at the sole discretion of the State, be disqualified from consideration. The proposed Project Manager must have at least a Bachelors Degree in public policy, public affairs, political science, organizational management/social planning, marketing, public relations, communications, business or business management, or in a related area of study;
4. Writing samples from at least two, but no more than four similarly sized projects completed in the past five years that demonstrate expertise necessary to successfully accomplish this project, and narratives describing the nature of the projects. Writing samples submitted must be at least five pages in length each, but no more than ten pages maximum, and **MUST** contain information which demonstrates to the State that the vendor has experience producing quality work in, at

minimum, information gathering, organizing, analysis and evaluation of data, and writing targeted for a specific, professional audience. The writing samples submitted must be accompanied by an explanation from the vendor on the overall nature of the work from which the sample has been pulled, the nature of the audience for which it was created, and a description of the scope and context of the vendor's activities to produce the work; and,

5. Names and contact information for at least three entities for which they have performed similar large scale projects in the past five years.

Each vendor's responses to the above five items will be used to assess the vendor's likelihood of success for this project, and evaluated and scored for their quality and responsiveness, using the Technical Proposal Score Sheet, provided as Attachment D. to this RLB. Failure to adequately address any of the above five items to the satisfaction of the State MAY, at the sole discretion of the State, result in disqualification. Information provided in proposals will be evaluated and scored in accordance with the Technical Proposal Score Sheet provided as Attachment E. to this RLB.

The selected vendor will be subject to a key personnel clause in the resulting contract. GOFBCI must be notified of any impending changes in key personnel and must approve any proposed replacement staff.

VI. Scope of Work

The selected vendor will provide a review of the relevant anti-poverty related work being pursued by Governor Strickland and through legislation in the Ohio General Assembly and the U.S. Congress; and an analysis of the economic conditions in Ohio and relevant poverty-related trends in the state. The vendor will also be required to attend all relevant Task Force meetings, as determined by GOFBCI; additional meetings with GOFBCI as determined by GOFBCI; and, meeting(s) with ODJFS Office of Communications, the State Printing Office and GOFBCI to determine a style and format for the report that will be compatible with agency standards and State Printing operations. The selected vendor will be required to design and write a final report of the Ohio Anti-Poverty Task Force and its recommendations, including such topics as, at minimum:

- the composition, purpose, and activities of the Task Force;
- a description of Ohio's current economic status and relevant poverty-related trends;
- additional background on relevant anti-poverty related work being pursued by Governor Strickland and through legislation in the Ohio General Assembly and the U.S. Congress.
- a detailed summary of the shorter- and longer-term strategic recommendations submitted to Governor Strickland; and,
- a detailed action plan that would be needed to implement the Task Force's recommendations.

The report must be designed so that it can serve as a guide for those policy-makers working to implement the emerging recommendations; be designed for Web-based distribution; and be compatible with operations at the State Printing Office, so that it may be printed at a later date by the office as needed. The report must include a cover page, table of contents, introductory narrative, the aforementioned content, closing narrative, and references. The report must include Task Force activities from its initial meeting on July 9, 2008 through the delivery of the longer term recommendations to Governor Strickland on or before April 30, 2009 as well as any relevant activity in the month of May, 2009 which may take place in response to the delivery of the longer term recommendations.

VII. Specifications of Deliverables

The delivery to GOFBCI no later than June 8, 2009 of the final, approved report, designed for print and Web-based distribution. The report must be provided to GOFBCI in ten (10) printed copies of the report, plus one print-ready master copy, and one electronic copy in software format appropriate for use by the State for electronic publication and for archiving. The size of the report should depend entirely on the content required and the collective judgment of GOFBCI and the selected vendor. The report should be easy to read with important information emphasized throughout.

VIII. Vendor Compensation

The contractor will be paid a flat, all-inclusive fee of \$12,000 for the completed final report. No separate travel expenses or any other type of expenses or fees will be paid under the contract to result from this RLB.

IX. Vendor Library

The following documents contain information that may be useful to vendors interested in submitting a response to this RLB.

Executive Order Creating the Task Force:

<http://governor.ohio.gov/Portals/0/Executive%20Orders/Executive%20Order%202008-11S.pdf>

Strickland Announces Major Work Force Initiative:

<http://www.governor.ohio.gov/Default.aspx?tabid=912>

Executive Summary – The University System of Ohio 10-Year Plan for Higher Education:

http://universitysystem.ohio.gov/pdfs/strategicPlan/USOStrategicPlan_ExecSummary.pdf

The Center for American Progress: From Poverty to Prosperity, A *National Strategy to Cut Poverty in Half* –:

http://www.americanprogress.org/issues/2007/04/pdf/poverty_report.pdf

Report on reducing poverty in New York City prepared by the Commission for Economic Opportunity:

http://www.nyc.gov/html/om/pdf/ceo_report2006.pdf

Seizing the Moment: State Governments and the New Commitment to Reduce Poverty in America. :

<http://www.aecf.org/~media/Pubs/Topics/Economic%20Security/Family%20Economic%20Supports/SeizingtheMomentStateGovernmentsandtheNewComm/Seizing%20the%20Moment.pdf>

State Strategies to Reduce Child and Family Poverty:

<http://www.nga.org/Files/pdf/0806POVERTYBRIEF.PDF>

The Real Bottom Line: State of Poverty in Ohio 2008, Community Research Partners:

<http://communityresearchpartners.org/14651.cfm?action=detail&id=120>

<http://communityresearchpartners.org/uploads/publications//Real%20Bottom%20Line%2006-24-08%20with%20Appendix.pdf>

X. Format of Submission

To be accepted and forwarded to the ODJFS Proposal Review Team (PRT), the vendor's proposal must include a signed original and four (4) exact, complete copies of a technical proposal, and a non-rewritable CD-ROM copy of the exact, complete original technical proposal, according to the format and composition details provided below.

- Technical Proposal. One original and four (4) copies of the Technical Proposal labeled: **“TECHNICAL PROPOSAL ENCLOSED FOR APTF REPORT WRITING PROJECT, RLB#: R-89-21-8010 SUBMITTED BY (VENDOR NAME AND DATE OF SUBMISSION).”**
- One non-rewritable CD-ROM containing a copy of the entire Technical Proposal labeled: **“CD-ROM FOR APTF PROJECT, RLB#: R-89-21-8010 SUBMITTED BY (VENDOR NAME AND DATE OF SUBMISSION).”** The requested CD will be used by ODJFS for storage/archiving purposes and for Public Records Requests only.

The vendor's Technical Proposal shall contain all the information as specified for each component listed below. It is mandatory that vendor proposals be organized in the following order. Any other information thought to be relevant, but not applicable to a specific RLB section number/letter must be provided as an appendix to the proposal and so marked as an additional tab. ODJFS reserves the right not to review submitted appendices which include information or materials that were not required in the RLB.

The proposal will be scored on the relevancy to the stated responsibilities as well as the conciseness, clarity, flow, and neatness of the information presented. A proposal which is incomplete, vague, unjustifiably wordy, unclear, or poorly organized may not be successful. All pages in The Technical Proposal shall be sequentially numbered either per tab or for the document as a whole.

Tab 1: Forms and Certifications: Vendors submitting proposals must include a completed “Required Vendor Information and Certifications” form (provided as Attachment A to this RLB), a completed “Request for Taxpayer Identification Form W-9” (provided as Attachment B to this RLB) and the DMA form (provided as Attachment C). The vendor must provide originals of these three documents, signed in blue ink by a qualified vendor representative, in this part of the original technical proposal packet and photocopies of the signed forms in the remaining copies.

Vendors are required to provide a declaration regarding material assistance to terrorist organizations or organizations that support terrorism as identified by the U.S. Department of State Terrorist Exclusion List, and as described in **Attachment C, Declaration Regarding Material Assistance/Non-Assistance to a Terrorist Organization.** Vendors who fail to provide a signed and completed **Attachment C.** risk disqualification. This form may also be accessed and printed at the Ohio Department of Public Safety, Division of Homeland Security's Website at <http://www.homelandsecurity.ohio.gov>.

Tab 2: Vendor Qualifications: The vendor proposal must include all documents and information as outlined in Section V., Organizational Capabilities & Staff Experience demonstrating how the vendor and its staff meet the requirements. This section must include, at minimum, a detailed description of the vendor's organizational experience, information on proposed key staff including their resumes, writing samples and narratives explaining the context of those samples, and reference contact information.

NOTE: No staff personal confidential information such as Social Security numbers or home addresses may be included in submitted proposals. At minimum, if included as part of pre-existing documentation, such as resumes, this information must be redacted or rendered totally unreadable prior

to submission to ODJFS. Proposals submitted become part of the public record. ODJFS reserves the right to disqualify vendors that violate this prohibition.

Tab 3: Optional Vendor Attachments or Appendices (if needed)

XI. Selection Process

All qualifying proposals will be reviewed and scored by a Proposal Review Team (PRT) comprised of GOFBCI and possibly other state staff. Vendors should not assume that the review team members are familiar with any current or past work activities with ODJFS. Proposals containing assumptions, lack of sufficient detail, poor organization, lack of proofreading, and unnecessary self-promotional claims will be evaluated accordingly. PRT members are required to sign disclosure forms to establish that they have no personal or financial interest in the outcome of the proposal review and contractor selection process. The PRT reserves the right to reject any and all proposals, in whole or in part, received in response to this request. The PRT may waive minor defects that are not material when no prejudice will result to the rights of any vendor or to the public.

In scoring the proposals, ODJFS will score in two phases: Phase I—Initial Qualifying Criteria, and Phase II—Scoring of the Technical Proposal. In addition, the PRT may, at its option, elect to conduct interviews as part of the process. All score criteria are presented in the Technical Proposal Score Sheet, which is provided as Attachment D. to this RLB.

XII. RLB Process Information and Other Contractual Requirements:

- A. State Contracts - Responses must list any current contracts the vendor has with State of Ohio agencies. The list must indicate the purpose of the contract, the amount of the contract, the time period covered by the contract, and the percent of the project completed. Vendors must complete a copy of the Required Vendor Information and Certifications Document (provided as **Attachment A**) to report this information, and include the completed document in the vendor's proposal as specified in **Section X, Instructions for Format of Applications**, of this RLB.
- B. Interview - Vendors submitting proposals may be requested to participate in an in-depth interview as part of the evaluation process. The interview, if necessary, may include participants from ODJFS and any representatives it may appoint. ODJFS reserves the right to select from responding vendors for interviews and may not interview all vendors submitting proposals. The vendor shall bear all costs of any scheduled interview.
- C. Start Work Date - The selected vendor must be able to begin work no later than seven (7) working days after the time funds are encumbered and approved by the Office of Budget & Management. The selected vendor will be notified by the ODJFS contract manager when work may begin. **Any work begun by a contractor prior to this notification will NOT be reimbursable by ODJFS.**
- D. Proposal Costs - Costs incurred in the preparation of this proposal are to be borne by the vendor, and ODJFS will not contribute in any way to the costs of the preparation. Any costs associated with interviews will be borne by the vendor and will not be ODJFS' responsibility (see Section XII, B.).
- E. Trade Secrets Prohibition; Public Information Disclaimer - **Vendors are prohibited from including any trade secret information** as defined in Ohio Revised Code (ORC) 1333.61 in their proposals in response to any ODJFS RFP, Requests for Letterhead Bids (RLB) or other procurement efforts. ODJFS shall consider all proposals or similar responses voluntarily submitted in response to any ODJFS RFP,

RFA, RLB, or other procurement document, to be free of trade secrets and such proposals shall, in their entirety, be made a part of the public record.

All proposals and any other documents submitted to ODJFS in response to any RFP, RLB, etc., shall become the property of ODJFS. This RLB and, after the selection of a vendor for award, any proposals submitted in response to an RFP/RLB are deemed to be public records pursuant to R.C. 149.43. For purposes of this section, the term “proposal” shall mean both the technical proposal (or application or other response documentation) and the cost proposal, if opened, submitted by the selected vendor/applicant, and any attachments, addenda, appendices, or sample products.

Any proposals submitted in response to any ODJFS RFP, RLB, etc. which make claims of trade secret information shall be disqualified from consideration immediately upon the discovery of such unallowable claim.

- F.** Contractual Requirements - Any contract resulting from the issuance of this solicitation is subject to the terms and conditions as provided in the model contract, which is provided as Attachment E. to this RLB. Potential vendors are strongly encouraged to read the model contract to be fully aware of all ODJFS contractual requirements.
- G.** Travel and Parking Expense Reimbursement - No travel or parking expenses, nor any other expenses, will be covered.
- H.** Public Release of Records - Public release of any evaluation or monitoring reports funded under this contract will be made only by ODJFS. Prior to public release of such reports, ODJFS must have at least a 30-day period for review and comment.
- I.** Confidentiality - All contracts or other business agreements will require that the contractor maintain the confidentiality of information and records which state and federal laws, rules, and regulations require to be kept confidential.
- J.** Ethical & Conflict of Interest Requirements
1. No contractor or individual, company or organization seeking a contract or other business agreement shall promise or give to any ODJFS employee anything of value that is of such character as to manifest a substantial and improper influence upon the employee with respect to his or her duties;
 2. No contractor or individual, company or organization seeking a contract or other business agreement shall solicit any ODJFS employee to violate any of the conduct requirements for employees;
 3. Any contractor acting on behalf of ODJFS shall refrain from activities which could result in violations of ethics and/or in conflicts of interest. Any contractor or potential contractor who violates the requirements and prohibitions defined here or of Section 102.04 of the ORC is subject to termination of the contract or other agreement or refusal by ODJFS to enter into a one; and
 4. ODJFS employees and contractors who violate Sections 102.03, 102.04 2921.42 or 2921.43 of the ORC may be prosecuted for criminal violations.

- K.** Unresolved Findings for Recovery (R.C. 9.24) - Ohio Revised Code Section 9.24 prohibits ODJFS from awarding a contract to any entity against whom the Auditor of State has issued a finding for recovery if the finding for recovery is “unresolved” at the time of award. By submitting a proposal, the vendor warrants that it is not now, and will not become, subject to an “unresolved” finding for recovery under R.C. 9.24 prior to the award of any contract or business agreement arising out of this RLB, without notifying ODJFS of such finding. ODJFS will review the Auditor of State’s website prior to the evaluations of any proposal submitted pursuant to this RLB. ODJFS will not evaluate a proposal from any vendor whose name, or the name of any of the subcontractors proposed by the vendor, appears on the website of the Auditor of the State of Ohio as having an “unresolved” finding for recovery.
- L.** Mandatory Contract Performance Disclosure - Each proposal must disclose whether the vendor’s performance, or the performance of any of the proposed subcontractor(s), under contracts for the provision of services that are the same or similar to those described in this RLB, has resulted in any “formal claims” for breach of those contracts. For purposes of this disclosure, “formal claims” means any claims for breach that have been filed as a lawsuit in any court, submitted for arbitration (whether voluntary or involuntary, binding or not), or assigned to mediation. If any such claims are disclosed, vendor shall fully explain the details of those claims, including the allegations regarding all alleged breaches, any written or legal action resulting from those allegations, and the results of any litigation, arbitration or mediation regarding those claims, including terms of any settlement. While disclosure of any formal claims in response to this section will not automatically disqualify a vendor from consideration, at the sole discretion of ODJFS, such claims and a review of the background details may result in a rejection of the vendor’s proposal. ODJFS will make this decision based on its determination of the seriousness of the claims, the potential that the behavior that led to the claims could negatively impact vendor’s performance of the work, and the best interests of ODJFS.
- M.** Mandatory Disclosures of Governmental Investigations - Each proposal must indicate whether the vendor and any of the proposed subcontractor(s) has been the subject of any adverse regulatory or adverse administrative governmental action (federal, state, or local) with respect to vendor’s performance of services similar to those described in this RLB. If any such instances are disclosed, vendor must fully explain, in detail, the nature of the governmental action, the allegations that led to the governmental action, and the results of the governmental action including any legal action that was taken against vendor by the governmental agency. While disclosure of any governmental action in response to this section will not automatically disqualify a vendor from consideration, such governmental action and a review of the background details may result in a rejection of the vendor’s proposal at the sole discretion of ODJFS. The decision by ODJFS on this issue will be based on a determination of the seriousness of the matter, the matter’s potential impact on the vendor’s performance of the work, and the best interests of ODJFS.
- N.** Vendor Selection Restriction - Any vendor deemed not responsible, or submitting a proposal deemed not to be responsive to the terms of this RLB, shall not be selected for this project.
- O.** Waiver of Minor Proposal Errors - ODJFS may, at its sole discretion, waive minor errors or omissions in proposals, bids, and/or forms when those errors do not unreasonably obscure the meaning of the content. Additionally, ODJFS reserves the right to request clarifications or completions from vendors to any information in their proposals, bids, and/or forms, and may request such clarification as it deems necessary at any point in the proposal/bid review process.

XIII. Health Insurance Portability & Accessibility Act (HIPAA) Requirements

As a condition of doing business with ODJFS, the contractor, and any subcontractor(s), will be required to comply with 42 U.S.C. Sections 1320d through 1320d-8, and to implement regulations at 45 C.F.R. Section 164.502 (e) and Sections 164.504 (e) regarding disclosure of protected health information under the Health Insurance Portability and Accountability Act (HIPAA) of 1996. Protected Health Information (PHI) is information received by the contractor from or on behalf of ODJFS that meets the definition of PHI as defined by HIPAA and the regulations promulgated by the United States Department of Health & Human Services, specifically 45 CFR164.501 and any amendments thereto.

In the event of a material breach of vendor obligations under this section, ODJFS may at its option terminate the contract.

XIV. State Contracts

Proposals must list any current contracts the vendor has with State of Ohio agencies and universities/colleges. The list must indicate the purpose of the contract, the amount of the contract, the time period covered by the contract, and the percent of the project completed. Vendors must complete the **“Required Vendor Information and Certifications”** (provided as **Attachment A**) and include the completed document in the vendor’s proposal as specified in Section X, Format of Submissions.

XV. Caveat

ODJFS is under no obligation to select a vendor as a result of this solicitation if, in the opinion of ODJFS and the proposal review team, none of the proposals are responsive to the objectives and needs of the Department. ODJFS reserves the right to not select any vendor should ODJFS decide not to proceed with the project.

XVI. Communications Prohibitions

From the issuance date of the RLB, until a contract is in effect, there may be no communications concerning the RLB between any interested potential vendor and any employee of ODJFS in the issuing office, or any other ODJFS employee, or any other individual regardless of their employment status, who is in any way involved in the development of the RLB or the decision with a formal procurement.

The only exceptions to this prohibition are as follows:

- A. As necessary in the case of any pre-existing business relationship between ODJFS and a vendor which could potentially respond to this RLB, in order to conduct that business;
- B. As part of an interview necessary for ODJFS to make a vendor selection decision;
- C. If it becomes necessary to revise any part of this RLB, revisions will be posted on the ODJFS web page established for this RLB; and
- D. Any Public Records Request (PRR) made through the ODJFS Office of Legal Services:

Requests from potential vendors or contractors for copies of previous RLBs, past vendor proposals, score sheets or contracts for this or similar past projects, are Public Information Requests (PRRs), and are not clarification questions regarding the present RLB. PRRs, submitted in accordance with directions provided in this Section

XVI, Communications Prohibited, will be honored. The posted time frames for ODJFS responses to Internet questions for RLB clarification do not apply to PRRs.

* Important Note: Amendments to the RLB or to any documents related to it will be accessible to interested vendors through the original ODJFS website established for the RLB. All interested vendors are strongly encouraged to refer to the appropriate website regularly for amendments or other announcements. Failure on the part of ODJFS to notify any vendors of any possible changes or announcements related to this RLB does not absolve the vendors from their responsibility to look for updated information through the web page.

Proposals submitted by a vendor who attempts any communications prohibited by this Section may be disqualified by ODJFS from consideration for this project. ODJFS is not responsible for the accuracy of any information regarding this RLB that was obtained or gathered through a source other than the Question and Answer process described in this RLB.

XVII. Protests

Any potential, or actual, vendor objecting to the award of a contract or a vendor selection resulting from the issuance of this solicitation may file a protest of the award or selection, or of any other matter relating to the process of soliciting the proposals. Such a protest must comply with the following guidelines:

1. A protest may be filed by a prospective or actual bidder objecting to the award of a contract resulting from this solicitation. The protest shall be in writing and shall contain the following information:
 - a. The name, address, and telephone number of the protestor;
 - b. The name and number of the solicitation being protested;
 - c. A detailed statement of the legal and factual grounds for the protest, including copies of any relevant documents;
 - d. A request for a ruling by ODJFS;
 - e. A statement as to the form of relief requested from ODJFS; and
 - f. Any other information the protestor believes to be essential to the determination of the factual and legal questions at issue in the written protest.
2. A timely protest shall be considered by ODJFS, if it is received by ODJFS' Office of Legal Services, within the following periods:
 - a. A protest based on alleged improprieties in the issuance of the RLB or any other event preceding the closing date for receipt of proposals which are apparent or should be apparent prior to the closing date for receipt of proposals shall be filed no later than 3:00 p.m. of the closing date for receipt of proposals as specified in Section II., Time and Date of Submission.
 - b. If the protest relates to the announced intent to award a contract, the protest shall be filed no later than 3:00 p.m. of the *tenth (10th) calendar day* after the issuance of formal letters sent to all responding vendors of regarding the State's intent to award the contract. The date on these ODJFS letters to responding vendors is the date used to determine if a protest regarding the intent to award is submitted by the end of the protest period.
3. An untimely protest may be considered by ODJFS if ODJFS determines that the protest raises issues significant to the department's procurement system. An untimely protest is one received by ODJFS' Office of Legal Services after the time periods set forth in Item #2 of this section.

